

BEFORE THE COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI, CITY OF HERNANDO , PLAINTIFF
VS. CAUSE NO.: S2020-0005
GEORGE WALKER WELCH, DEFENDANT

TRANSCRIPT OF PROCEEDINGS HAD AND DONE IN THE BENCH TRIAL
OF THE ABOVE STYLED AND NUMBERED CAUSE, BEFORE THE
HONORABLE ALLEN B. COUCH, JR., COUNTY COURT JUDGE, AT
APPROXIMATELY 1:15 P.M. ON THE 28TH DAY OF SEPTEMBER,
2020.

APPEARANCES:

REPRESENTING THE PLAINTIFF:

HONORABLE ELIZABETH PAIGE WILLIAMS, ESQ.
Williams & Williams
217 West Center Street
Hernando, Mississippi 38632
662-449-4305

REPRESENTING THE DEFENDANT:

HONORABLE JOHN KEITH PERRY, JR., ESQ.
Perry Griffin, PC
5699 Getwell Road, Building G5
Southaven, Mississippi 38672
662-536-6868

MICHELLE A. BROWN, CCR #1395
DeSoto County Official Court Reporter
2535 Highway 51 South, Hernando, MS 38632
michellebrown.csr@gmail.com

1 HAD BETWEEN THE COURT AND COUNSEL AS
2 FOLLOWS:)

3 BY MR. PERRY: Your Honor, at four o'clock
4 -- at the time this was set, I didn't know this.
5 I have a four o'clock meeting with the board of
6 supervisors in Tunica. I'm the board attorney,
7 and it's a budget meeting. I just wanted to
8 mention that.

9 THE COURT: I won't be long.

10 BY MR. PERRY: I've got a lawyer from my
11 office here if there's an instance. I don't
12 want to rush you or anything like that. I just
13 wanted to --

14 THE COURT: I'm not going to be long. What
15 time do you need to leave here?

16 BY MR. PERRY: I can make it to Tunica in
17 -- I mean, if I leave at 3:30. So that's all I
18 was saying.

19 THE COURT: Oh, well, I can assure you I
20 won't be that long.

21 BY MR. PERRY: Yes, sir.

22 (WHEREUPON, THE CONFERENCE AT THE BENCH WAS
23 CONCLUDED AND THE COURT RETIRED TO CHAMBERS
24 TO DELIBERATE, AFTER WHICH THE FOLLOWING
25 PROCEEDINGS TOOK PLACE.:)

26 THE COURT: In this case, I think it all
27 comes down to the underlying reason for the
28 arrest, and there is no dispute about the actual
29 physical confrontation between the Defendant and

1 the officer. So the question is did the officer
2 have grounds to make a lawful arrest, and that
3 means focusing on the charge of obstruction of
4 traffic. And when I look at the definition of
5 "obstruct," Merriam-Webster defines it as, "To
6 block up or close up by an obstacle; to hinder
7 from passage, action, or operation."

18 So it all, again, comes down to did this
19 fall under obstruction. Now, this is a two-lane
20 street, and we heard testimony from a resident
21 of the street that there are cars parked on this
22 street all the time. And because it's a
23 two-lane street, any time a car is parked on the
24 street, unless it pulls completely into the
25 yard, some portion of it is going to block the
26 roadway. And the photographs that were entered
27 into evidence in this case show that Mr. Welch's
28 vehicle blocked, you know, probably 80 percent
29 of one lane of traffic but did not go into the

1 opposing lane of traffic.

2 And so, again, I look at what is
3 "obstruct", and I think any definition of
4 "obstruct" means you can't move. Whereas,
5 Black's says -- and this, to me, really jumped
6 off the page -- "to render impassable." This
7 was not impassable. The officers that were
8 there, were able to get around. No one was
9 prohibited from getting around this vehicle.

10 Mr. Perry made reference to 63-3-901, which
11 is a list of places where stop and standing and
12 parking a vehicle is prohibited. And, of
13 course, it didn't fall under any of those. But
14 I think our operable statute here refers to
15 actually blocking traffic or obstructing it, and
16 I just don't think that this is -- meets the
17 definition of obstruction by any reasonable
18 reading of the statute or the definition of the
19 word "obstruct". Cars were able to pass
20 through. There's no prohibition against --
21 legal prohibition against him parking there.
22 Now, there may be homeowners rules or
23 restrictive covenants, but that's not a crime.

24 So we turn to the resisting arrest, and
25 it's well-established that an individual has the
26 right to use reasonable force to resist an
27 unlawful arrest. The testimony of the defendant
28 was that the defendant refused to comply and put
29 his hands behind his back. He didn't strike the

1 C E R T I F I C A T E

2 STATE OF MISSISSIPPI:

3 COUNTY OF TATE:

4 I, MICHELLE A. BROWN, Certified Court Reporter and
5 Notary Public for the State of Mississippi at Large,
6 do hereby certify that I reported in machine shorthand
Pages 1-67 of the above-captioned proceedings.

7 I HEREBY CERTIFY that the foregoing pages contain a
8 full, true and correct transcript of my said stenotype
notes and digital recording then and there taken.

9 I FURTHER CERTIFY that I am not an attorney or counsel
10 of any of the parties, nor a relative or employee of any
11 of the parties, nor am I a relative or employee of any
attorney or counsel connected with the action, nor am I
financially interested in the action.

12 I FURTHER CERTIFY that in order for this document to be
13 authentic and genuine, it must bear my original
14 signature and my embossed notarial seal and that any
reproduction in whole or in part of this document is not
allowed or condoned and that such reproductions should
be deemed a forgery.

15 THEREFORE, witness my hand and my official seal in the
16 State of Mississippi on February 8, 2021.

17
18
19 My Commission Expires:
20 September 3, 2024

Michele A. Brown
MICHELLE A. BROWN, CSR #1395

Notary Public at Large



21
22
23
24
25
26
27
28
29